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Attorneys for Defendants

VXN GROUP LLC and MIKE MILLER

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

MACKENZIE ANNE THOMA,
a.k.a. KENZIE ANNE, an
individual and on behalf of all
others similarly situated,

Plaintiff,

v.

VXN GROUP LLC, a Delaware
limited liability company; MIKE
MILLER, an individual; and DOES
1 to 100, inclusive,

Defendants.

Case No. **2:23-cv-04901 WLH (AGR_x)**

**SUPPLEMENTAL DECLARATION
OF TREY BROWN RE:
CORRECTION OF EXHIBIT IN
SUPPORT OF REPLY**

I, Trey Brown, hereby declare as follows:

1. I am an attorney licensed to practice law in the State of California. I am In-House counsel for Defendant VXN Group, LLC (“VXN”), as well as an attorney of record for VXN and Defendant Mike Miller in this matter. I am personally familiar with, and, if called upon, could and would testify to the facts contained herein from my personal knowledge.

2. On October 1, 2024, I filed a Reply in Support of Defendants’ Motion to Overrule Ryan Murphy’s Claim of Privilege And Compel Production of Documents [Dkt. No. 108] (“Reply”), along with the Exhibits thereto [Dkt. No. 108-1].

3. Subsequent to filing the Reply, I discovered the following errors:

a. Although designated “Exhibit L” in the Reply, Plaintiff’s Deposition Transcript was not attached to the Exhibits [Dkt. No. 108-1].

b. The Reply identifies a different document, a transcript of the Court’s August 22, 2024 IDC hearing as “Exhibit L.”

4. In order to correct the errors noted above, attached hereto as Exhibit 1 are excerpts from the deposition of Plaintiff Mackenzie Anne Thoma.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 2, 2024 at Los Angeles, California.

/s/ Trey Brown

Trey Brown

EXHIBIT 1

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA WESTERN DIVISION
3

4 _____
5 MACKENZIE ANNE THOMA, A.K.A.
6 KENZIE ANNE, an Individual and
7 on Behalf of All Others
8 Similarly Situated,
9 Plaintiff,

10 v.

Case No.

11 VXN GROUP, LLC, a Delaware
12 Limited Liability Company and
13 MIKE MILLER, an Individual; and
14 DOES 1 to 100, Inclusive,
15 Defendants.

2:23.cv.04901

WLH (AGRx)

16 _____
17 DEPOSITION OF MACKENZIE ANNE THOMA

18 DATE: Tuesday, August 13, 2024

19 TIME: 10:36 a.m.

20 LOCATION: Veritext Legal Solutions

21 707 Wilshire Boulevard, Suite 3500

22 Los Angeles, CA 90017

23 OFFICIATED BY: John Canfield

24 JOB NO.: 6861393
25

1 Q So Dave would text you the invoices?

2 A Yes.

3 Q Did they submit invoices on Portfoliopad?

4 A I don't think so. Again, I hate -- I hated
5 the app. I always fought them on it. I was so pissed
6 when they started it.

7 Q So your preference was that Dave just text you
8 the invoices?

9 A Yeah. Yeah.

10 Q And he continued to do that?

11 A Yes.

12 Q When was the last time that you talked to Ryan
13 Kona?

14 A I don't know when it was, but I texted him
15 letting him know he might be a part of this case. So
16 that may have been -- what, like before summer started,
17 I want to say.

18 Q And so you texted him saying he might be part
19 of this case?

20 A Yes and to not delete anything.

21 Q And so in advising him that he might be part
22 of this case, why did you do that?

23 A Because I hadn't talked to him in a long time,
24 and I just wanted to know where he was.

25 Q Was there anything that happened that led you

1 to believe that Ryan Kona might become part of this
2 case?

3 A You guys sent him a subpoena.

4 Q And so when you became aware that we sent Ryan
5 Kona a subpoena, you texted him?

6 A Roughly around the time of discovering that,
7 yes.

8 Q When did you discover that we sent him a
9 subpoena?

10 A I don't remember.

11 Q What was his response when you texted him that
12 he might become part of this case?

13 A That he wanted nothing to do with it.

14 Q So after we sent Ryan Kona a subpoena, you
15 texted him and said he might be part of this case?

16 A Yes.

17 Q And he texted you back and he said, "I don't
18 want any part of this"?

19 A Yes.

20 Q Did you ever follow Ryan Kona on Instagram?

21 A Yes. I believe I still follow him on
22 Instagram.

23 Q Have you ever seen any of the stories that he
24 posted to his Instagram account?

25 A Yes, I have.

CERTIFICATE OF SERVICE

I hereby certify that on October 2, 2024, a true and correct copy of the foregoing document was filed on the docket through the CM-ECF System available to the following persons:

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Dated: October 2, 2024

By: /s/ Trey Brown
Trey Brown